

CAPTAIN FERDINAND BIJKERK - August 17, 2006

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IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

ROBERT REVAK

and

MARGARET REVAK

vs.

INTERFOREST TERMINAL UMEÅ AB

and

WAGENBORG SHIPPING B.V.

CIVIL ACTION

NO. 03-4822

ORAL DEPOSITION OF CAPTAIN FERDINAND

BIJKERK, produced as a witness at the instance of
the Plaintiffs, taken in the above-styled cause on
the 17th day of August, 2006, from 9:58 a.m. to 2:10
p.m., before Candice F. Flowers, a Certified
Shorthand Reporter, at the offices of Wagenborg
Shipping B.V., Marktstraat 10, in the City of
Delfzijl, Country of the Netherlands, pursuant to
the agreements as stated on the record and/or the
Federal Rules of Civil Procedure.

COPY

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1 Q (By Mr. Gruber) All right. Let's look at
2 P12. Now, this document was prepared and signed by
3 you on September 8th, the day of the accident?

4 A That's correct.

5 Q Why did you prepare this letter?

6 A As far as I can remember, the lawyer, Ed,
7 was already on board at that time. And I made up
8 this statement, is what you want to call it, on
9 advice of the lawyer.

10 Q All right. In this letter, the fourth
11 line down, "The slings was found" -- well, what
12 did -- I'll read it. "The slings was found in a
13 state its was be cutted due to any kind of reason."

14 What were you trying to say there?

15 A That it broke due to any kind of reason.
16 It broke. It cut it some -- or how you call it?

17 MR. POWERS: Parted?

18 A Parted. Due to any kind of reason. I
19 don't know the reason why it parted.

20 Q Okay. So when you said "due to any kind
21 of reason," that meant you didn't know the reason
22 why.

23 A No.

24 Q Do you know today? I mean, have you since
25 found out what caused the sling to part?

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1 A Well, we --

2 MR. POWERS: Don't talk -- anything
3 you and I have had discussions about, I don't want
4 you repeating.

5 Q (By Mr. Gruber) He's right. I just want
6 to know based on your -- not because of any
7 conversation that you had with Mr. Powers.

8 MR. POWERS: Other than what you and
9 I have spoken about when we were here, has the
10 company or anyone else in your -- outside of just
11 talking to me, have you discovered a reason why the
12 sling broke?

13 THE WITNESS: If we find a reason,
14 no.

15 Q (By Mr. Gruber) Okay. Now, you go on to
16 say, "The contract for this hired slings is based on
17 inspected slings delivered to the ship."

18 Now, you are referring to a contract
19 there. At the time you wrote this, did you know
20 whether, in fact -- well, what did you mean when you
21 said "contract"? What were you referring to?

22 A That's the contract my boss, Wagenborg,
23 has with Locatum.

24 Q Did you know whether there was a written
25 contract or whether it was a verbal --